

Enrollment Contract Amendment Instructions for the Open Enrollment Period for Fiscal Year 2022 Direct Care Staff Compensation Rate Enhancement (July 1, 2021 to July 31, 2021)

In response to direction from 76th Texas Legislature (Article II, Department of Human Services, Rider 38, H.B. 1, 76th Legislature, Regular Session, 1999), the Health and Human Services Commission (HHSC) Provider Finance Department (PFD) adopted rules at Title 1, Texas Administrative Code (TAC) §355.308 to establish procedures for Nursing Facilities (NFs) to obtain additional funds for increased staffing for registered nurses (RNs), licensed vocational nurses (LVNs), medication aides, and certified nurse aides. As per these rules, providers who choose to participate in the direct care staff enhancement program and receive additional funds must demonstrate compliance with enhanced staffing requirements. Participating providers are also required to spend at least 85 percent of their direct care staff Medicaid revenues on direct care staff compensation costs for Medicaid residents, or the difference between 85 percent of direct care staff revenues and direct care staff compensation costs is recouped by the state. At no time will a participating facility's direct care rate after spending recoupment be less than the direct care base rate.

GENERAL ENROLLMENT INSTRUCTIONS

All providers contracted to HHSC for eligible services received an Enrollment Notification or an Enrollment Limitation Notification. Both notifications are available on this website listed below for your reference:

<https://pfd.hhs.texas.gov/long-term-services-supports>

This website is an important tool during Open Enrollment. All forms, worksheets and instructions are accessed from the website by clicking on your program from the list of services in the left margin. Next, scroll to the heading "Rate Enhancement – Direct Care Staff Compensation." Click on the link "View 2022 Rate Enhancement – Attendant Compensation information." All instructions below regarding the location of specific materials for Open Enrollment begins with the assumption that you are on this page for your program (hereafter referred to as "Rate Enhancement webpage for your program").

- The deadline for all materials to request changes in enrollment status are due to be received by HHSC PFD **by July 31, 2021, at 5:00 p.m.** Neither faxes nor e-mails will be accepted.
- **The highest enhancement level that any contract may request is Level 27.**
- Levels are awarded within available funds, and it is possible that a provider will not be awarded the level it requests due to limited funding for the enhancement program.

According to 1 TAC §355.308, no provider will be enrolled in the Direct Care Staff Compensation program at a level higher than it achieved on its most recently available, audited report functioning as an Direct Care Staff Compensation Report. As a result, all providers who received notification of recoupment on the 2019 Cost Report or 2019 or 2020 Accountability Report will have their level of participation limited to the level achieved on the most recently audited report. Affected providers will receive a notice of limitation.

TRAINING

In order to assist you in understanding the requirements of the Direct Care Staff Compensation program, PFD has created an Open Enrollment Video. This video can be found on our website at:

<https://pfd.hhs.texas.gov/long-term-services-supports>

From this website, select the appropriate program, scroll down to the heading "Rate Enhancement – Direct Care Staff Compensation". Click on "View 2022 Rate Enhancement."

You can access the Video by clicking on "Open Enrollment Video".

ENROLLMENT CONTRACT AMENDMENT (ECA)

The open enrollment for payment rates effective September 1, 2021, begins July 1, 2021, and ends July 31, 2021. To enroll, contracted providers must properly complete the ECA online at the below address.

<https://registration.hhsc.state.tx.us/rfr/RFRLogin.aspx>

NOTE: Due to recent server changes, the LTSS Open Enrollment portal site may be marked as unsecure which is due the security certificate for enhanced security measures versus the certificates the server can handle. We will be moving the application to a new server soon. In the meantime, you may receive a “not secure” warning from the website. However, **the site is secure** and you are able to submit your request and data to meet the upcoming deadlines. If you have any questions, please email costinformationPFD@hhs.texas.gov

Any provider whose properly completed ECA is not received by HHSC PFD by 5:00 p.m. on July 31, 2021, will continue at the Level of Participation in effect during the open enrollment period, within available funds (unless the provider was subject to an Enrollment Limitation as described above). This continued enrollment provision is called “roll-over” enrollment. If you are unsure of your current Level of Participation, you may look it up on our website.

A properly completed ECA must:

1. Have a checkmark in either the “yes, this facility chooses to enroll” or the “No, this facility chooses not to enroll” box;
2. Verify the fiscal year end for the entity. If incorrect, email the PFD Help Desk at costinformationpfd@hhs.texas.gov to have the information verified and corrected;
3. Reflect the correct 9-digit contract number for the provider.

In addition, providers checking the “Yes” box must indicate their chosen Level number from 1 to 27 in the “Level” box. Please note that Level 0 is not an option.

HHSC PFD must receive the ECA submitted through the HHSC PFD website no later than 5:00 p.m. on July 31, 2021. Requests that are not received by this deadline will not be accepted.

If you have questions concerning the ECA or Open Enrollment, you may contact the PFD Department Long Term Services and Supports Center for Information and Training at pfd-ltss@hhs.texas.gov.

ENROLLMENT WORKSHEETS AND INSTRUCTIONS

Enrollment Worksheets and Instructions may help you determine the appropriate level of enrollment for your current spending levels. These resources are available on our Rate Enhancement webpage for your program. Locate and open the "Enrollment Worksheets" and "Enrollment Worksheets Instructions" elements on the Rate Enhancement webpage. If you have difficulty in accessing the information from the website, please refer to the contact information at the end of this letter.

AWARDED LEVELS

After September 17, 2021, HHSC PDF will post a list of contracted providers on its Attendant Compensation Rate Enhancement website for all programs and their enrollment status (i.e., participant and associated level or nonparticipant) to be effective September 1, 2021. This "Participation Status – Levels Awarded" list on the Rate Enhancement webpage for your program will be the only notification of enrollment status provided by HHSC.